

DR. E. C. SPITZKA
DIES OF APOPLEXY

Alienist in Trial of Guiteau
and Nerve Specialist Is
Stricken Suddenly.

FACED SUIT FOR \$50,000

Charged with Alienating Love
of Jeweller's Wife—Son Says
He Died a Pauper.

Dr. E. C. Spitzka

Dr. Edward Charles Spitzka, specialist in nervous diseases and alienist, an expert witness in the trial of Guiteau for the murder of President Garfield in 1881, died of apoplexy yesterday morning at his home, 66 East Seventy-third street, he was 61 years old.

His death was hastened by a \$50,000 suit brought against him by Joseph Gershal, a Jeweller of 41 Maiden Lane, in which the alienation of Mrs. Gershal's affections was charged. Dr. Spitzka was to have appeared before Justice Guy in the Supreme Court yesterday for examination before trial. But upon the statement of State Senator James P. McLean, that his client was in poor health after several operations for nervous of the jawbone, the examination was postponed to Friday. Dr. Spitzka was dying at about the time when Senator McLean was explaining to the court what he thought to be the condition of his client's health.

Cerebral hemorrhage occurred at 4 o'clock yesterday morning when Dr. Spitzka was in bed. Dr. E. C. Brill, Dr. J. H. H. Brill, and Mrs. Spitzka, who also telephoned to her son, Dr. Edward Anthony Spitzka, the noted anatomist of Philadelphia. The younger Dr. Spitzka was called to his father's bedside at 4 o'clock. His father was unconscious and died fifty minutes later.

Brain for Famous Collection.

Dr. E. C. Spitzka said he would add his father's brain to the famous collection at the Bausch Institute in Philadelphia which he has gathered for the American Anthropological Society.

Dr. Spitzka died yesterday afternoon in accordance with an agreement between the Spitzkas, father and son, that which ever died first bequeathed his brain to be added to the interest of science. It was announced this afternoon and taken to Philadelphia.

The son was much agitated when he received reports last night.

"There is no doubt in the world," he said, "that the real cause of my father's death was worry over his lawsuit. The fact that he died on the night the action was attained—a man who paragonized himself by acts of charity to his poor patients—my God! Oh, for a chance to get even with the persons who have caused this."

They had not yet had a sleep in the comfortable room at the home of Dr. Spitzka's son, the young man said: "This all looks good, but you don't know what I know—he died a pauper."

Senator McLean said this regarding the case last night.

"I had known Dr. Spitzka since 1882. About two years ago Gershal brought his wife to Dr. Spitzka to be treated for apoplexy. She was cured and was left with a brain that was in the hands of Dr. Spitzka. He is perfectly willing to be examined in court, maintaining his innocence. When the case was called to-day I explained that my client was too ill to appear on so cold a day. I had just returned to my office at 362 Broadway when the telephone rang and I was informed that Dr. Spitzka had died."

The general service will be held at 6 o'clock Saturday-third street at 10:30 o'clock tomorrow morning. The clergyman will be the Rev. Dr. Fagnant of the Union Theological Seminary, an intimate friend of Dr. Spitzka's who always sat beside his mother in Greenwood Cemetery.

Dr. Spitzka's testimony in the trial of Charles J. Guiteau for the murder of President Garfield was a feature of his long career as a specialist in the treatment of nervous diseases. He was the only alienist of the name who testified to say, after personal examination of the assassin, that Guiteau was insane. He called Guiteau a "moral idiot" or rather a "moral monster."

Dr. Spitzka did not wish to testify. He requested a subpoena, but finally withdrew his defense. Introduced as a prehistorical, he examined Guiteau in jail and confirmed his belief that the prisoner was sane. In court the next day he said: "I have no doubt in my mind that this man is insane," and added: "He had an insane manner as well marked as I ever saw it in an asylum." He told his lawyer to say to the jury: "I am not in the position of Jesus Christ? I am not a martyr? Have I not sacrificed myself for the American people?"

Called a Congenital Monstrosity.

"I base my opinion," Dr. Spitzka said, "upon his expression, taken in connection with the abnormal shape of his head. It proves the congenital character of the trouble. If the man only had the mean face of the right side, he might be a depraved man, but when I add to that the defective shape of his skull I am strongly of the belief, as strongly as science permits me, that he is a congenital monstrosity."

Dr. Spitzka's replies on cross-examination were characteristically pointed. Because he was professor of comparative anatomy in the University of Vienna, he was asked to identify the bones of a like one of the prosecution's lawyers asked him if he was not a horse doctor.

"I have never treated any lower animal except the ass, and that animal has two legs," he said.

The doctor's lawyer persisted: "But you are a veterinary surgeon, are you not?"

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'Open Air to Everywhere.'

A. A. McLEAN GUILTY;
SENTENCE BY WHITMAN

Democratic State Treasurer Admits Violating Campaign Fund Law.

WHITMAN IS SATISFIED

Fowler, Alleged Bagnant, Pleads Not Guilty—Gaffney Case Before Grand Jury.

Arthur A. McLean, treasurer of the Democratic State committee, pleaded guilty yesterday in the Criminal Branch of the Supreme Court to an indictment charging him with having accepted a campaign contribution from a corporation, sentence was suspended by Justice Vernon M. Davis after District Attorney Whitman had declared that the execution of the full penalty would be an injustice in this particular case.

Within an hour after Mr. McLean, accompanied by his counsel, ex-Judge Morgan J. O'Brien and John B. Stanchfield, had left the court room, Everett Fowler, accompanied by Martin W. Littleton, appeared and pleaded not guilty to an indictment charging him with entering a campaign contribution. He had already pleaded not guilty to an indictment charging that he unlawfully solicited the contribution for the acceptance of which McLean was indicted.

Fowler had hardly left the Criminal Courts Building after having his bail renewed than the Grand Jury which indicted McLean returned. It inquired into the awarding of contracts for the aqueduct, a subject which is being investigated along with the State highway contract and campaign contribution scandal.

Harry R. Hanger of the firm of Mason & Hanger, a Kentucky corporation, was the witness. He was asked to review testimony given by him at Nyack last September, when he swore that he paid \$30,000 to Arthur A. McLean for the purpose of succeeding in getting a contract for which the Mason & Hanger concern was the lowest bidder.

It is understood that Hanger corrected his previous testimony yesterday to the extent of returning the time between his payment of \$30,000 and the award of the contract.

The indictment against McLean was filed on December 4. It was based chiefly on the testimony of Harold W. Owens of the Adams Engineering Company, a New York corporation, which in 1912 had State highway contracts aggregating \$250,000.

Owens testified that in October of that year he went to Syracuse at the suggestion of St. Paul, N. Y. Harvey Ferris and there, in company with the contractors, met Everett Fowler. He said he was called into an office and that Fowler told him he expected a campaign contribution of \$10,000. Owens refused to give the money, and after a brief fight down to \$400, he gave Fowler a check for that amount and at his direction made it payable to Arthur A. McLean.

The check showed that it had been endorsed by McLean in his own handwriting and not by rubber stamp, as were the others of those which he received from highway contractors.

The acceptance of a campaign contribution from a corporation is a violation of section 41 of the State constitution, which law. By the same law it is also made a misdemeanor to solicit the contribution of a corporation. The penalty provided for is one year in prison or a fine of \$1,000, or both.

Mr. Littleton said that McLean's plea would not affect Fowler's case in the least. The successful indictment for extortion against Fowler in the year 1912, yesterday, can be demurred to by Mr. Littleton on the ground of lack of jurisdiction. In the event the demurrer is sustained, the case will be referred to the District Attorney. The other letters of the grand jury may then appeal to the Appellate Division, and in the event of his appeal being successful Mr. Littleton could in turn take the case to the Court of Appeals.

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Arthur A. McLean

Who pleads guilty and will aid State in its graft investigation.



Revilleon Freres
Established 1723

January Fur Sale

The low prices quoted below are representative of the excellent values of our January Sale, now in progress.

MINK SETS, good dark skins made up in this year's models.
Formerly \$95 now **\$45**

WOLF SETS, extra selected skins, black or blue, scarf in animal effect; large muff.
Formerly \$45 now **\$25**

HUDSON SEAL SETS, trimming of Civet Cat or Leopard.
Formerly \$95 now **\$45**

MEN'S RACCOON OVERCOATS, sound whole skins, handsomely marked.
Formerly \$135 now **\$75**

19 West 34th Street, New York
PARIS MONTREAL LONDON

HOSPITALS MUST PROVE VALUE TO GET MONEY

Saturday and Sunday Association Amends Rules for Its Distribution.

The Hospital Saturday and Sunday Association, which raises and distributes funds to forty-seven non-municipal hospitals of the city, has adopted three important amendments which will raise the standard of private hospitals and improve the basis for distributing the association's funds. The changes were made unanimously at the annual meeting held yesterday and attended by representatives of the institutions.

The first amendment provides that "no hospital shall hereafter be admitted to membership unless it is duly incorporated, has had for at least three years not less than thirty-five beds in its wards and has given during the same period not less than five thousand days of free service per year. Any hospital failing below the qualifications required for admission at the time of its election to membership shall be reduced by 20 per cent. the first year and withheld entirely if it should continue in the same grade. Hitherto the distribution has been according to the amount of free days service only."

The second amendment provides that "the distributing committee must consider not only this point, but also the cost of treatment, which varies in different hospitals according to the nature of its work, from \$2 and \$3 a day to 75 cents. The third amendment takes into consideration the quality of the service. It provides that if a hospital is graded by the State Board of Charities in Class 3 (third grade) as to management the appropriation which it would regularly receive may be reduced by 20 per cent. the first year and withheld entirely if it should continue in the same grade. Hitherto the distribution has been according to the amount of free days service only."

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BLEASE IN HOT MESSAGE ASKS ODD LEGISLATION

Would Bar White Teachers from Negroes, Football and Public Smoking.

COLUMBIA, S. C., Jan. 13.—Many laws of an unusual nature are recommended in Gov. Cole L. Blease's annual message to the Legislature submitted to-day in the form of a book of sixty-three pages. The governor recommends a law prohibiting the board of trustees of any State college in this State for white pupils, or any public school for white children which receives any of the tax money of the State, or any faculty of any such institution, from admitting any negro, Chinaman, Japanese, Cuban or other disagreeable and incompatible race, into said college or school with white pupils.

He argues vehemently for an act prohibiting any white person from teaching negro children in a school or otherwise, and an act which would disband negro secret societies.

He would have a law requiring newspapers which have published injurious or erroneous statements concerning negroes to publish corrections in the same column or the same page and with as large headlines as the original articles. Also he would prohibit the playing of football.

He would have the Legislature forbid smoking in restaurants visited by women, and on this point he says: "I regret exceedingly to know that to-day people in South Carolina (I will not say gentlemen, nor will I say true men) sit in our public dining rooms, restaurants and cafes, and smoke cigars and foul little cigarettes, and whiff and puff and blow the smoke out through their nostrils, and this smoke is carried either by the natural breeze or the current of electric fans into the eyes, mouths and nostrils of refined women. It makes me ashamed for my State."

Mentioning recent acts of Congress, which he says are in violation of State's rights, he says: "I notice one fixing dates for hunting purposes within the borders of our State. This is only an effort to protect a certain set of Northerners who come down here and buy up large tracts of land and then prohibit our home people from hunting on it. The United States Government, because these people are rich, is attempting in their interest to deprive the people of our State of their God-given liberty and right to hunt and fish for the game and furs which an all-wise Providence has provided free to all mankind."

The Governor incorporates in his message the opinion he expressed of Secretary Daniels several months ago—that "Joseph Daniels is a very small man and is not of the mental calibre to fill the position to which he has been appointed."

COMERS MEN PROMISE AID

Say Federation of Labor Will Back Michigan Strikers.

CALUMET, Mich., Jan. 13.—A split between the Western Federation of Miners and the American Federation of Labor is no longer threatened, according to James E. Short and James A. Roach, personal representatives of the organization, who talked to the strikers at Calumet and Ahmeek this evening.

Both gave assurances of strong financial support from the Western Federation of Miners of the undivided efforts of all labor organizations to influence a Congressional investigation.

Mounted deputies were called out to-day to guard the former Michigan miners, who were intimidated. Homes of workmen at Ahmeek are guarded night and day by deputies.

Jan. 13.—President Quincy Adams Shaw of the Calumet and Hecla Mining Company in a statement made public to-day attacks the report of the Federal investigating committee on the Michigan copper strike as "grossly unfair."

"After Secretary Wilson's speech in Seattle it was to be expected that his subordinates would make a report which would be highly colored in favor of the strikers," said Mr. Shaw. "The publication of the report is also well timed to assist the strike leaders in arousing false sympathy through misrepresentation."

LEAD FOR HORSE POISONERS.

More Than 1,500 Ask Clemency for Kalhofer and Swersky.

Justice Davis has received 600 letters and petitions bearing more than 1,500 names, asking clemency for David Kalhofer and Max Swersky, ice cream manufacturers, convicted of horse poisoning, who are to be sentenced to-day. Those who have written to or called upon Justice Davis included Dr. J. J. Magnus, David Belas, president of the Humane Society; Dr. Henry Moslowitz, president of the Civil Service Commission; and former Municipal Judges Leon Sanders and Gustave Hartman.

Kalhofer and Swersky, as officers of the Horse Owners Protective Association, had much to do with prosecuting horse poisoning cases. At their trial, Judge Freedman testified that Swersky, in the presence of Kalhofer, hired him to poison horses of a rival ice cream company. Freedman said he was assisted by O'Brien and O'Brien are serving three years for assaulting a woman.

Curley, Boston Mayor, Wins After Hard Fight

Now a Congressman; Once Convicted of Fraud in Government.

BOSTON, Jan. 13.—James M. Curley, Democratic Congressman from the Twelfth district and a resident of Dorchester, was elected to-day to a four year term as Mayor of Boston. His majority over Thomas L. Kenny of South Boston, his only opponent, was in the neighborhood of 5,500.

Curley made his fight in the face of what appeared to be overwhelming odds, practically the entire press, the chief officers of the Democratic ward leaders, the Republicans and the reformers being lined up against him.

The cold wave caused a light vote and this aided Curley's candidacy.

Curley was a member of the Boston Common Council in 1900 and 1901. Then he went to the Legislature for two years and thereafter was an Alderman until elected to Congress in 1910. He was re-elected to the Sixty-third Congress. He was born in Boston and is 39 years old. He was a poor boy and was educated in the grammar and evening high schools.

Curley served a sixty day sentence in the Charles street jail about ten years ago for defrauding the Government by impersonating another man at a civil service examination. The indictment charged Curley and Bartholomew J. Fahy with conspiracy to defraud the United States in order to place the name of Fahy upon the eligible list for letters of credit.

Curley, in the name of Fahy, filed an application to the Civil Service Board, and on December 4, 1902, took the examination in Fahy's name. After his conviction Curley appealed, but the final decision was against him.

SAYS FISH TRANSMIT GOITRE.

Investigator Declares Human Beings Get Disease From Them.

ALBANY, Jan. 13.—Important findings made during an investigation of the prevalence of goitre and cancer among fish are incorporated in a report filed with Gov. Glynn to-day by Dr. H. R. Gaylord, director of the State Institute for the Study of Malignant Diseases at Buffalo.

Experiments made by Dr. Gaylord developed the fact that these diseases are easily transmitted to dogs and rats.

"There is no doubt that susceptible human beings drinking water coming from canals, rivers and other bodies where these fish thrive will acquire goitre," says the report.

Gov. Glynn is expected to recommend legislation appropriating money to make a thorough investigation of fish diseases.

ASKS FOR AN ARSON BUREAU.

State Fire Marshal Wants Help for Up-State Fires.

ALBANY, Jan. 13.—Legislation providing for the creation of a legal bureau in the State Fire Marshal's Department for the investigation and prosecution of arson cases is urged in a statement filed to-day with Gov. Glynn by State Fire Marshal Thomas J. Ahearn.

The statement points out that the activity of the New York city authorities has driven large numbers of incendiaries easily transmitted to dogs and rats.

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GLYNN HOT AFTER LOAN SHARKS

Will Recommend Legislation for Further Restrictions.

ALBANY, Jan. 13.—Following his refusal to pardon Daniel H. Tolman, the "loan shark" who served six months on Hart's Island for charging usurious interest, Gov. Glynn announced his intention to-night of sending a message to the Legislature urging the placing of heavier restrictions upon loan brokers.

The Governor recently refused to appoint a State Loan Commissioner authorized under a bill passed at the regular session of the Legislature last year because he believes that a loan commissioner could do little to root out the evils of the present system.

PRISONER CLEARS UP THE TRUNK MYSTERY

Admits He Left Body in Street, But Denies Committing East Side Crime.

POINTS TO TWO OTHERS

Search for Man and Woman—Police Think Knockout Drops Killed Victim.

asked Inspector Faurot, who had examined Muravioff at great length, to tell what the prisoner had said.

"From the flat of Draniewicz," said Inspector Faurot, "it is more than three-quarters of a mile to the point in Pitt street near the Williamsburg Bridge where the body was left."

"Muravioff insisted that he knew nothing about the manner of the fellow's death, though we are inclined to think that 'pete' (knockout drops) was put in the beer with the idea of robbing Martysewicz. Muravioff said that he went into the flat of Draniewicz on Saturday evening at 6 o'clock and saw Martysewicz lying asleep on a bed and heard his snoring. He returned at 11 o'clock after going to a moving picture show, and was told that the man was dead."

"He admits that there was a consultation as to what should be done with the body, and it was agreed that it should be put in a trunk. From what we can gather four or five persons slept in the flat that night near the dead body. The trunk was bought the next day, but Muravioff says he does not know that the body was put in the trunk."

"He admits he went along with the man who pushed the cart. When he reached 47 Pitt street he decided that would be a good place to leave it. He sat on the trunk smoking a pipe and observed that the Feinstein boy was watching him closely. He decided that the best way to disguise the boy's mind of any suspicion would be to get him to watch the trunk. He did so and then disappeared."

"From what we can learn the men and the women remained in the flat after the body was dumped in the street and made no effort to get away until within the last few days of the special deputation."

"Muravioff identified the pillow in the trunk as being the one on which Martysewicz's head was lying in the flat. The woman's skirt and shirtwaist also came from the flat in Eleventh street."

BAN ON HARBURGER BADGES.

"Deputies" Included in Police War on Gunmen and Gangsters.

The new police plans for the suppression of gang violence and for preventing known criminals from congregating were carried out with increased vigor yesterday.

Under orders from Commissioner McKay Lieut. McKenna and a squad of ten detectives began work on Monday night by visiting the Gibbons-McAlister glove fight at Madison Square Garden. Standing at the entrance to the Garden the scrutinized the men who tried to pass in.

When they observed a tough of gangster known to them they jerked him from the line and ordered him to move fast on to the street.

In the early morning they visited a dozen cafes in Fourteenth street and south of Fourteenth street, "frisking" men suspected of carrying pistols. That is the sort of work that will be done constantly in carrying out Commissioner McKay's plans.

In line with his general policy of suppression the Commissioner will do what he can to abolish the special deputy sheriff nuisance. Sheriff Harburger created about 2,500 special deputies. Many of these men were East side toughs, who were given a list of the special deputies made by Harburger and will confiscate as many badges as he can get hold of.

Benjamin Peck, Rubin Kaplan, Harry Webster and Abie Backerman, accused of complicity in the murder of Frederick Strauss, were held yesterday by Corner Peberberg for a further period of forty-eight hours.

Deputy Police Commissioner Dougherty said that among the witnesses who were ready to testify against the gunmen were Harry Lenny and Tommy Dyke, who gave the ball at Arlington Hall on Friday night.

Former Inspector of Police Alexander S. Williams had this to say yesterday about the proper method of dealing with gangsters.

"It is much better that a policeman be held for manslaughter than that a Coroner should hold an inquest over him. The police should be liberal in using their clubs on such creatures as gunmen and gangsters. The law at the end of a nightstick is the only kind of law they respect."

Woman Tells of Selling Trunk.

"Challon, however, ran across Mrs. Henry Goldman of 242 First avenue, who remembered that on a Sunday she had sold a trunk to three men. They bought it for the price of \$3.50. After carrying it away one of the men came back and got a new key.

"Through that woman we got the address of Charlie Draniewicz of 529 East Eleventh street, who was supposed to live in a flat there with two men and two or three women. In the meantime, however, we had become convinced that the pushcart which the men who carried the trunk had used did not come from Sheriff street, and Challon by persistent work came across Abraham Musikov of 414 East Eleventh street, who always kept records of letting out pushcarts."

"Musikov told us that a man who said his name was Kolenko, which is another name used by Draniewicz, and a woman had come to him on the day that the body was found and had hired a pushcart. The woman deposited \$2.75 as security for the cart and when it was returned she collected the deposit and paid 15 cents rent."

"Our clue now," said Dougherty, as he looked across the big table at the reporters gathered about him, "now pointed to Draniewicz and the woman. We kept watch on the flat but it was apparently empty."

"Sometime we discovered that a woman, Mary Bodner, had been arrested on January 9 on the complaint of a man who said the woman had stolen money, a gold watch and some jewelry from him. That woman now is locked up in the Tombs."

Capture Prisoner at Flat.

"Things kept looking up right then," continued the Commissioner, "and Steinkamp and acting Capt. Cooper kept watch on that flat. Draniewicz seems to have been warned away, but last night at 11 o'clock Muravioff appeared at the flat and we nabbed him."

Here the Commissioner stopped and

TO STUDY GARMENT PROTOCOL.

Mrs. Harriman Announces Hearings to Start Here To-day.

WASHINGTON, Jan. 13.—Mrs. J. Borden Harriman, a member of the Federal Commission on Industrial Relations, announced to-night that the commission would begin hearings in New York tomorrow on the protocol now in operation in the garment industry.

"The protocol is the most remarkable example of coercion in an industry brought about by collective agreement that has ever been manifested," said Mrs. Harriman.

The hearings will be held in the Board of Estimates rooms in City Hall and will continue for three days.

Only Two Clues, He Says.

"Do you realize that when the men started out under the direction of myself and Faurot they had two vague clues in addition to the body itself? They were the brass check marked J. P. D. 112 and the new cheap trunk. With those two clues the whole thing has been worked out, and just as soon as we have arrested another man and can get a woman we are looking for we will have everything cleaned up."

"You fellows know of course how we traced the brass check to the J. P. Donovan Contracting Company at Garrison street, you do not know that among the loose set paper lying in what was 1025 Sherry street we found a slip of paper marked '172 Sherry street.' We concluded that the address was Cherry street, and there we found a former friend of the dead man who identified the body as Martysewicz."

"With the identification settled, we learned that Martysewicz had sent some money to his relatives in Poland, that he had at Christmas time some money, a gold watch and some jewelry from him. We could get no further, but Detective Challon, who knows Polish; Magee, Pfister, Steinkamp and Jessup were working hard."

"We relied upon the trunk in which the body was found. We went to the factory and got the name of every agent handling those trunks in this city, but we could find none of them who had sold the trunk in question."

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CELESTINS
WALCHY
Natural Alkaline Water

For 50 years the standard Mineral Water for the relief of Sour Stomach, Indigestion and Uric Acid.

ASK YOUR PHYSICIAN Bottled at the Springs